

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 1864 (S/S) of 2005

Ganesh Singh Bisht,
Son of Sri Diwan Singh,
Aged about 40 years,
Resident of village- Gulla,
P.O.- Nathukhan,
District- Nainital. Petitioner.

V e r s u s

1. State of Uttaranchal through Secretary Panchayat.
 2. The Adhyaksha / Chairman, Zila Panchayat, Nainital.
 3. Appar Mukhya Adhikari, Zila Panchayat, Nainital.
- Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri A.D. Tripathi, learned counsel for the petitioner, learned standing counsel for respondent no. 1 and Sri Ravindra Singh Bisht, learned counsel for respondent nos. 2 and 3.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

By means of this petition, the petitioner has challenged the suspension order dated 15.09.2005 passed by respondent no. 3 i.e. Appar Mukhya Adhikari, Zila Panchayat, Nainital.

Petitioner, who was appointed as Chowkidar vide order dated 20.7.1996 issued by respondent no. 2 and attached in Dak Bungalow, Kathgodam vide order dated 09.07.2004, was suspended for certain charges the by impugned order.

Learned counsel for the petitioner has submitted that petitioner was suspended vide order dated 15.09.2005. No Inquiry Officer has been appointed till date and he has yet not received any chargesheet. Though about three months have passed he is not getting subsistence allowance.

In view of the above, respondent no. 3 is directed to appoint Inquiry Officer and furnish the chargesheet to the petitioner within a period of three weeks from the date of production of certified copy of this order. Petitioner is also directed to reply the charges leveled against him within a period of three weeks from the date of receipt of chargesheet and inquiry shall be concluded by the Inquiry Officer within a period of six weeks from the date of receipt of reply from the petitioner. Thereafter, the respondent no. 3 shall pass finally order on the inquiry report within a period of three weeks from the date of receipt of inquiry report. In case the whole exercise shall be concluded by 15.03.2006. Till the finally order is passed by the respondent no. 3, respondents are directed to pay subsistence allowance to the petitioner.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 15, 2005

SKSharma